

Notice of Allowability	Application No.	Applicant(s)	
	10/651,699	SULPRIZIO, MICHAEL SCOTT	
	Examiner	Art Unit	
	Javier G. Blanco	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed November 15, 2004.
2. ☒ The allowed claim(s) is/are 1-6 and 8-33.
3. ☒ The drawings filed on 29 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/29/2003</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Javier G. Blanco
February 2, 2005



EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Scott W. Kelley on February 1st, 2005.

Claim 1 (Currently Amended): A prosthetic foot, comprising:

a ground-engaging base having a toe platform, a mid-section platform and a heel platform;

a flexible hinge extending between the toe and mid-section platforms;

a first spring extending from the toe platform to a support shank, wherein the support shank is disposed above the platforms so as to be generally positioned above an ankle area of the foot;

a second spring extending from the support shank to the mid-section platform; and

a third spring extending from the support shank to the heel platform.

Claim 7 has been cancelled.

In claim 8, line 1, "claim 7" has been replaced by --claim 1--.

Art Unit: 3738

In claim 9, line 1, "claim 7" has been replaced by --claim 1--.

In claim 10, line 1, "claim 7" has been replaced by --claim 1--.

In claim 15, lines 1-2, "hinges comprise" has been replaced by --hinge comprises--.

In claim 16, line 3, "spaced toe" has been replaced by --spaced apart toe--.

In claim 17, lines 1-2, "hinges comprise" has been replaced by --hinge comprises--.

In claim 20, line 6, "as to be" has been replaced by --the support shank is--.

In claim 27, line 8, "as to be" has been replaced by --the support shank is--.

In claim 33, lines 1-2, "hinges comprise" has been replaced by --hinge comprises--.

The above revisions were made in order to correct minor formalities.

2. The following is an examiner's statement of reasons for allowance:

None of the Prior Art discloses and/or suggests a prosthetic foot comprising three springs, a toe platform, a mid-section platform, a heel platform, a flexible hinge between the toe platform and the mid-section platform, and the specific locality of each spring (i.e., first spring extending from the toe platform to a support shank, etc.). It should be noted that each of claims 1, 20, and 27 claims the support shank as being "generally positioned above an ankle area of the foot".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3738

Conclusion


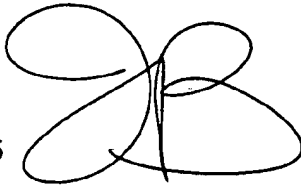
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (7:30 a.m.-4:00 p.m.), first Friday of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGB

February 2, 2005



David H. Willse
Primary Examiner